

## **REMARKS**

This is a response to the Office Action dated February 12, 2004. Claims 1-20 are pending in the application. In the Office Action, claims 17-20 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-20 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention. Additionally, claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,513,019 (“Lewis”).

The rejections from the Office Action of February 12, 2004 are discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following amendment.

### **I. REJECTIONS UNDER 35 U.S.C. § 101**

Claims 17-20 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. With this response, claims 17-20 have been amended. These amendments are supported by the Specification and no new matter has been added. Applicants thank the Examiner for his suggestion and respectfully submit that claims 17-20, as amended, are directed toward statutory subject matter. Accordingly, applicants request that the Examiner withdraw this rejection of claims 17-20.

### **II. REJECTIONS UNDER 35 U.S.C. § 112, second paragraph**

Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. In particular, the Examiner noted the phrase “system, comprising” at line 6 of independent claim 1 and line 3 of independent claim 13 are unclear. Similarly, the Examiner noted that the phrase “user, comprising” at lines 3 and 4 of independent claim 17 is unclear. With this response, independent claims 1, 13, and 17 have been amended for clarity and not for reasons relating to patentability. These amendments are supported by the Specification and no new matter has been added. Applicants respectfully submit that independent claims 1, 13, and 17, as amended, particularly point out and

distinctly claim the subject matter which applicants regard as the invention, and, accordingly, request that the Examiner withdraw this rejection of claims 1-20.

### **III. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Independent claims 1, 13, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis. Applicants submit that Lewis fails to disclose all of the elements of Applicants claims.

Independent claim 1, as amended, relates to a method of accessing substantially real-time financial information of an account holder in a computerized system, the substantially real-time financial information describing a first account of the account holder being stored on a first record keeping system and a second account of the account holder being stored on a second record keeping system, the first record keeping system being different from the second record keeping system. The method includes (a) receiving identification of the account holder by a first device, the account holder identification being associated with the first account stored on the first record keeping system and the second account on the second record keeping system; (b) receiving a command by the first device from a user to obtain information associated with the account holder identification; (c) transmitting, in response to the command, first and second requests by the first device to the respective first and second record keeping systems substantially simultaneously, the first and second requests requesting information associated with the account holder identification; and (d) receiving first and second responses by the first device from the respective first and second record keeping systems, the first and second responses including substantially real-time financial information associated with the account holder identification.

Independent claim 13, as amended, relates to a method of accessing substantially real-time financial information of an account holder from first and second record keeping systems in a computerized system. The method includes: (a) receiving a first input from a user by a first device, the first input being associated with a first financial account of the account holder residing on the first record keeping system and a second financial account of the account holder on the second record keeping system, the first record keeping system being different from the second record keeping system; (b) transmitting, substantially

simultaneously and in response to the receiving the first input, by the first device a request to each of the first and second record keeping systems; (c) receiving a response by the first device from each of the first and second record keeping systems; and (d) presenting at least a portion of the response to the user.

Independent claim 17, as amended, relates to a computer-readable medium encoded with an executable program for presenting real-time financial account information of an account holder to a user. The program includes: (a) a security module capable of authenticating the user; (b) a communication module capable of communicating with a plurality of record keeping systems, the plurality of record keeping systems each being capable of storing real-time financial accounts of the account holder, each of the record keeping systems being different from the other; the communication module being capable of substantially simultaneously transmitting requests by the user for real-time financial account information to the plurality of record keeping systems and receiving responses therefrom; and (c) a presentation module capable of presenting portions of the responses simultaneously.

Lewis discloses a “a computer system that receives incoming stochastic data records from plural disparate systems and data sources relating to financial transactions, financial instruments, customers, counterparties, employees, organizational units, and financial institutions; converts this disparate data into a common format; and derives information from the data; consolidates and integrates the data and information on a database that is defined according to a comprehensive financial industry data model; distributes the data and information electronically and automatically publishes the data and information to subscribers; and provides access to this data and information for real-time inquiry by various functional areas and customers of a financial services enterprise.” *See* Lewis, Col. 4, lines 54-67.

Lewis fails to disclose, and in fact teaches away from, transmitting user initiated requests to the particular financial institution based on the received request, as claimed. Lewis discloses instead, a consolidated account management system which receives data from disparate systems having varying data formats, normalizes and aggregates that data and allows a user to access the aggregation. *See* Lewis, generally. Lewis does not disclose that

the data is retrieved from the other systems in response to a request from the user, as claimed in Applicants' claims. In contrast, the system of Lewis focused on the actual aggregation and consolidation of data into a single database in which various functions may be performed, once that data has been received. *See* Lewis, Col. 14, line 12 – Col. 17, line 67 generally. Lewis is concerned with what happens to data once the system has acquired it, not why the data is acquired in the first place or how the acquisition of data is initiated. In particular, Lewis discloses a Data Distribution Server that *proactively* and electronically publishes data and information from the aggregation to users. *See* Lewis, Col. 7, lines 19-21. Thus, Lewis teaches away from distributing data to users in response to user initiated requests, as claimed. In other words, Lewis discloses a push-based system where users fill out a profile specifying what types of information they want, the profile acts as a filter, and the system automatically publishes data to the users based on the profile. *See* Lewis, generally. In contrast, Applicants disclose a pull-based system that transmits requests to disparate record keeping systems in response to user-initiated requests.

Further, one of ordinary skill in the art would not be motivated to modify the system in Lewis to request information from financial institutions in response to requests from a user. The system disclosed by Lewis is concerned about providing up to date, real time information rather than passing requests for information from a user to one of multiple financial institutions in real time, i.e. passing the request from the user out to the institution when the request is received and waiting for the response whenever it comes back. The system disclosed by Lewis requires up-to-date information pushed into the system in real-time, i.e. as that data is generated, e.g. financial market data. Therefore, independent of user requests, the Lewis system is continually receiving data. Modifying the system disclosed by Lewis to request data of another system only when requested by a user would defeat the purpose of the Lewis system to serve as a real time access point of information aggregated from disparate sources.

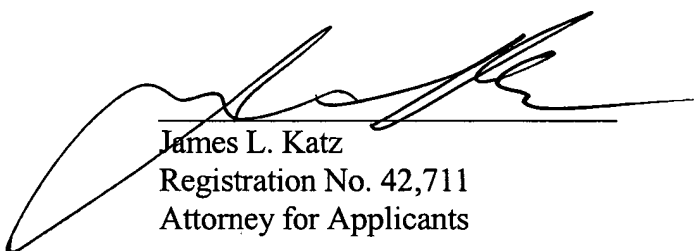
For at least these reasons, claims 1, 13, and 17 are not obvious in view of Lewis. Accordingly, Applicants request that the Examiner withdraw this rejection of independent claims 1, 13, and 17.

### CONCLUSION

Each of the rejections in the Office Action dated February 12, 2004 have been addressed and no new matter has been added. Applicants respectfully submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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